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3717				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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**Office Action Summary****Application No.**

10/574,465

**Applicant(s)**

MONPOUET ET AL.

**Examiner**

TRAMAR HARPER

**Art Unit**

3717

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22 and 24-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22 and 24-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Examiner acknowledges the receipt of amendments/arguments filed 11/29/10. The arguments set forth are addressed herein below. Claims 22 & 24-43 remain pending, Claims 22 & 24-42 are currently amended, Claim 43 is newly added, and Claims 1-21 & 23 are canceled.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to whether "the antennas" are associated with the antennas of the board of claim 22 or whether each of the plurality of basic boards having a respective set of antennas. Furthermore it is unclear as to whether the game board consists of a plurality of basic boards each having a respective digital processing circuit in addition to digital processing circuit of claim 22. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim 42 is rejected under 35 U.S.C. 102(e) as being anticipated by Yamasaki et al (US 6,659,836).**

**Claim 42:** Yamaski discloses an educational game set comprising communicating elements or figures (12) wherein each figure includes a radio-frequency tag (15) with an individual identification code. The set further comprising at least one game board (13) comprising a digital processing circuit (24) connected to a plurality of antennas arranged such as to form a sensor matrix for detecting the presence, type, and position of the communicating elements. The game board includes a plurality of radio-frequency readers (22) connected to the digital processing circuit, wherein each reader (18) is connected to antennas (19) (Col. 1:10-33, Col. 2:41-61, Col. 3:15-60, Col. 4:3-25, Figs. 1-6).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 22, 24-29, 35-37, & 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazama (US 2001/0014622) in view of Jelinek (US 2002/0132583).**

**Claims 22 & 28:** Hazama discloses an educational game set comprising communicating elements or figures (408) wherein each figure includes a radio-frequency tag (409) with an individual identification code. The set further comprising at least one game board (400) comprising a digital processing circuit (405) connected to a plurality of antennas arranged such as to form a sensor matrix for detecting the presence, type, and position of the communicating elements. The game board includes a plurality of radio-frequency readers connected to the digital processing circuit, wherein each reader (403) is connected to a respective antenna (402) (¶ 205-215, Figs. 1-15).

Hazama teaches at least one reader (multiple readers) per antenna, but excludes multiple antennas per reader or the reader being linked via a multiplexer to the group of antennas. However, an analogous art of Jelinek teaches a similar architecture for a detecting gaming board. The gaming board comprising at one digital processing unit (210 or 170) connected to a plurality of antennas to detect the presence, position, and type of a game element positioned on the game board. Each game element including a radio frequency transponder/tag with identification signal/code that identifies it with the game board (¶ 10-11). The game board including, but not limited to, one antenna reader (250) connected to the digital processing circuit and an associated group of

antennas, wherein a multiplexer (260) is disposed between the reader and the group of antennas. Jelinek teaches that multiple multiplexers with respective subsets of antennas can be used and the use of a multiplexer allows for selective interrogation of specific antennas (Abstract, ¶ 23-25, 47, Figs. 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gaming board of Hazama with the reader with associated multiplexer and subset of antennas, as taught by Jelinek, to provide a more accurate detection gaming board. Such a modification permits the addition of more antennas covering a wider range of the gaming board to allow more precision to the detection of game elements, prevents interference, and conserves power due to the fact that interrogation is not limited to simultaneous activation (Jelinek ¶ 54).

**Claim 24:** Hazama discloses at least two boards connected comprising each comprising a plurality of antennas and a basic digital processing circuit (see above, Fig. 14, ¶ 228-242).

**Claim 25:** As illustrated by figure 14, Hazama teaches at least one electrical/mechanical connection with another board on one side. Hazama in view of Jelinek teaches the above, but lacks explicitly suggesting a connection on at least three lateral sides. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided at least three connection one on each side of the board, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

**Claims 26-27:** As shown in figure 14 of Hazama the two boards are link via wired connection to a digital processing unit and communicating with a display and furthermore the dpu acts as a referring/supervision means to determine the outcome of the game between the two boards (§ 228-242). However, Hazama in view of Jelinek fails to teach each board acting as a master or slave and the connection being wireless. However, applicant fails to disclose that having each board capable of being the master or slave or the connection being wireless solve any stated problem, provides an advantage, or is for any particular purpose. Furthermore, Applicant discloses that the connection can be either wired or wireless (§ 35). Moreover, it appears that the board system of Hazama in view of Jelinek, or applicant's invention, would perform the same function of providing a connection between boards and at least a digital processing unit to maintain communication and progress between boards regardless of whether the connection is wired or wireless or if a board is a master or slave. Therefore, it would have been prima facie obvious to modify Hazama in view of Jelinek to obtain the invention as specified in claims 26-27 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Hazama in view of Jelinek.

**Claim 29:** Hazama discloses that the invention is applicable to several types of games including monopoly which is well known in the art to be a game board type game with several game zones respectively dedicated to different types of elements (§ 206).

**Claims 35-36:** Hazama discloses the readers emitting carrier signals having a frequency of about 14MHz or 125kHz (§ 119).

**Claims 37 & 39:** Hazama discloses the set wherein each individual code is unique, and the set has a means of maintaining or storing game records of characteristics and/or of movements of the elements on the game board. Such records are stored in the cpu, while other historical account characteristics such as ranks of pieces are stored in the communicating element (§ 221-222, 234-238).

**Claim 40:** Hazama discloses a start button for the game board system for initiating recognition by the cpu of the next move (§ 167-168, 173-176, 253-254).

**Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazama (US 2001/0014622) in view of Jelinek (US 2002/0132583), and in further view of Sity (US 6,331,145).**

**Claims 30-32:** Hazama in view of Jelinek discloses the above, but lacks explicitly suggesting the communicating elements being at least one dice, the game board comprising at least one corresponding sensor element arranged in a game zone delineating a space for throwing dice. Hazama teaches that the game board invention is applicable to games such as monopoly, which is well known in the art to have games zones dedicated to specific types of game pieces such as dice (see above). Hazama teaches communicating elements comprising various pieces, figurines (moles), and cards (see above, Figs. 9, 14, 15, 17 and description thereof). Hazama further teaches outputting via a display or screen the movements and/or results of the detected game pieces (§ 221). As such based on the above, Hazama would at least teach the rfid game of monopoly that comprises at least one game zone designated for throwing dice and at least sensors for detecting game pieces including the presence, identification, etc



of each piece. However, an analogous art of Sity teaches that it is well known in the art to use dice for games such as monopoly. Sity teaches a dice that comprises rfid tags on each face of the dice and at least one reader to read a randomly selected number on the dice based on a detected rfid tag of the selected face of the dice, wherein each rfid tag has a different identification number indicating the dice respective face number (Figs. 1-5, Abstract, Col. 1:10-20, Col. 4:1-48, Col. 5:9-15, 45-50, Col. 6:9-15, 40-45). It would have been to one of ordinary skill in the art at the time the invention was made to have modified the rfid game board system of Hazama in view of Jelinek with the rfid die or dice of Sity to add more variety and entertainment value to the gaming system. Hazama in view of Jelinek is already dedicated to apply the game board system to games such as monopoly that include various games zones and the use of various game pieces such as dice and as such a modification would be easily ascertainable to an artisan of ordinary skill in the art.

**Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazama (US 2001/0014622) in view of Jelinek (US 2002/0132583), in view of Lee (US 6,102,397).**

**Claim 33:** Hazama in view of Jelinek discloses the above, but lacks explicitly suggesting a removable game mat arranged on the game board. Hazama teaches a game board applicable to board games such as Othello, chess, Go, Japanese chess, monopoly and backgammon, etc (¶ 206). However, an analogous art of Lee teaches a virtual game board system comprising a game board link to a computer and/or display and one or more game board inlay(s) or mat(s). Each mat has an identification code

associated with it, wherein the code is entered and the cpu identifies the game mat and initiates the corresponding game. The proper game configuration is selected from memory and implemented and a virtual game board is displayed. Such games include monopoly and checkers. Lee teaches that such a modification provides a means wherein multiple different games can be played using the same common interface structure e.g. without altering the physical structure of the game significantly (Abstract, Col. 2:20-29, 48-50, Col. 3:15-25, 45-55, Col. 4:10-30, Col. 5:30-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gaming system of Hazama in view of Jelinek with the removable game mats of Lee to provide a more universal system with a variety of games.

Hazama in view of Jelinek, and in further view of Lee teaches the above, but lacks explicitly suggesting the game mat having a radio-frequency tag provided with an identification code representative of the corresponding game. However, applicant fails to disclose that having a radio-frequency tag provided with an identification code representative of the corresponding game solve any stated problem, provides an advantage, or is for any particular purpose. Moreover, it appears that identifying means of Hazama in view of Jelinek, and in further view of Lee, or applicant's invention, would perform the same function of providing a means of identify the respective game of the applied game mat. Therefore, it would have been prima facie obvious to modify Hazama in view of Jelinek, and in further view of Lee to obtain the invention as specified in claim 33 because such a modification would have been considered a mere design

consideration which fails to patentably distinguish over the prior art of Hazama in view of Jelinek, and in further view of Lee.

**Claim 34:** Hazama in view of Jelinek discloses the above, but lacks explicitly suggesting a screen enabling a virtual game mat to be displayed on a front face of the game board. Hazama teaches a game board applicable to board games such as Othello, chess, Go, Japanese chess, monopoly and backgammon, etc (¶ 206). However, an analogous art of Lee teaches a virtual game board system comprising a game board link to a computer and/or display and one or more game board inlay(s) or screen(s). Each screen has an identification code associated with it, wherein the code is entered and the cpu identifies the game screen and initiates the corresponding game when the screen is presented on the front face of the game board. The proper game configuration is selected from memory and implemented and a virtual game mat is enabled. Such games include monopoly and checkers. Lee teaches that such a modification provides a means wherein multiple different games can be played using the same common interface structure e.g. without altering the physical structure of the game significantly (Abstract, Col. 2:20-29, 48-50, Col. 3:15-25, 45-55, Col. 4:10-30, Col. 5:30-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gaming system of Hazama in view of Jelinek with the removable game mats of Lee to provide a more universal system with a variety of games.

**Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hazama (US 2001/0014622) in view of Jelinek (US 2002/0132583), and in further view of Nagashima (JP 2002-248275A).**

**Claim 38:** Hazama in view of Jelinek discloses the above, but lacks teaching storing the game records via an external database through the internet. Hazama at least teaches storing and retrieving game records relative to games such as chess and furthermore the applicant's own disclosure teaches that it is well known in the art to transmit game moves relative to rfid chess via the internet. An analogous art of Nagashima teaches play of Japanese Chess, wherein the game history e.g. moves is stored via a server or database for review or to analyze (abstract). It would have been obvious to one of ordinary skill in the art to have modified the game system of Hazama in view of Jelinek with the historical records of Nagashima such that a player at their liking could review a previous match. Such a modification helps a player to improve his/her game capabilities by analyzing previous moves or mistakes and improving strategies.

**Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hazama (US 2001/0014622) in view of Jelinek (US 2002/0132583), and in further view of Mustelier (US 4,019,745).**

**Claim 41:** Hazama in view of Jelinek discloses the above, but lacks teaching a cancel button connected to the cpu. However, it is well known in the art when applicable to electronic chess to provide an undo or cancel button to reverse a wrong/previous move. Furthermore, Hazama at least teaches the cpu maintaining a record and/or refereeing a

game such as chess by tracking position and identity of various pieces (see above). An analogous art of Mustelier teaches an electronic chess game that includes an "enter" button to execute a proposed move and a "memory" button to cancel or undo and revert to the previous position (Col. 3:20-45, Col. 4:5-15). It would have been obvious to one of ordinary skill in the art to have modified the game system of Hazama in view of Jelinek with the "memory" button of Mustelier such that an uncertain player can revert back to a previous position with little consequence. Such a modification helps indecisive players to improve his/her game capabilities by analyzing the situation and making better decisions.

**Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hazama (US 2001/0014622).**

**Claim 42:** Hazama discloses an educational game set comprising communicating elements or figures (408) wherein each figure includes a radio-frequency tag (409) with an individual identification code. The set further comprising at least one game board (400) comprising a digital processing circuit (405) connected to a plurality of antennas arranged such as to form a sensor matrix for detecting the presence, type, and position of the communicating elements. The game board includes a plurality of radio-frequency readers connected to the digital processing circuit, wherein each reader (403) is connected to a respective antenna (402) (§ 205-215, Figs. 1-15).

Hazama teaches at least one reader per antenna, but excludes multiple antennas. However, applicant fails to disclose that having a plurality of antennas per reader solve any stated problem, provides an advantage, or is for any particular

purpose. Moreover, it appears that the matrix of antennas with respective readers of Hazama, or applicant's invention, would perform the same function of providing a means of detecting rfid tags of various objects. Therefore, it would have been prima facie obvious to modify Hazama to obtain the invention as specified in claim 42 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Hazama.

**Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hazama (US 2001/0014622) in view of Yamasaki (US 6,659,836), and in further view of Beck (US 2004/0214642).**

**Claim 43:** Hazama discloses an educational game set comprising communicating elements or figures (408) wherein each figure includes a radio-frequency tag (409) with an individual identification code. The set further comprising at least one game board (400) comprising a digital processing circuit connected to a plurality of antennas arranged such as to form a sensor matrix for detecting the presence, type, and position of the communicating elements. The game board includes a plurality of radio-frequency readers connected to the digital processing circuit, wherein each reader (403) is connected to a respective antenna (402) (§ 205-215, Figs. 1-15).

Hazama teaches at least one reader (multiple readers) per antenna, but excludes multiple antennas. However, an analogous art of Yamaski discloses an educational game set comprising communicating elements or figures (12) wherein each figure includes a radio-frequency tag (15) with an individual identification code. The set further comprising at least one game board (13) comprising a plurality of antenna readers (22)

each linked to a plurality of antennas (19) arranged such as to form a sensor matrix for detecting the presence, type, and position of the communicating elements. The game board each reader interrogates a respective section (17) of game board (Col. 1:10-33, Col. 2:41-61, Col. 3:15-60, Col. 4:3-25, Figs. 1-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gaming board of Hazama with each reader including a subset of antennas, as taught by Yamaski, to provide a more accurate detection gaming board. Such a modification permits the addition of more antennas covering a wider range of the gaming board e.g. the gaming system can more accurately detect a position to a finer degree of a gaming element on the gaming board.

Hazama in view of Yamaski teaches the above, but lacks explicitly suggesting each reader and tag comprising an anti-collision function. Hazama in view of Yamaski both teach detecting multiple gaming elements a various time and at the same time. Applicant teaches that anti-collision function is known in the art (§ 22). An analogous art of Beck teaches a game board with antenna readers connected to antennas for detection of radio-frequency tags of respective game objects. Beck teaches that it is known in the art to use anti-collision features between antenna readers and tags to provide a means to detect multiple gaming objects at the same time e.g. allow multiple tags device to be recognized and controlled in the range of play field antenna (Abstract, ¶ 58, 109-112, Figs. 7-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gaming board of Hazama in view of Yamaski with the anti-collision feature of Beck to manage multiple return signals

of different gaming elements on a gaming board. Such a modification, corrects or helps prevent interference between multiple return signals received from different gaming objects.

### ***Response to Arguments***

Applicant's arguments with respect to claims 22 and 24-43 have been considered but are moot in view of the new ground(s) of rejection. Applicant has not provided any support to overcome the rejections with respect to claim 42. Applicant suggests that the arguments with respect to claim 22 are similar to that of claim 42, however claim 22 is drawn towards a "multiplexer" limitation and claim 42 is not, therefore the rejection with respect to claim 42 is maintained.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fletcher (US 2001/0035815) teaches a similarly structured game board system.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAMAR HARPER whose telephone number is (571)272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on (571) 272-4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melba Bumgarner/  
Supervisory Patent Examiner, Art Unit 3717  
2/8/11

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